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EXAMINER	
MIDKIFF, ANASTASIA	

ART UNIT	PAPER NUMBER
2882	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,211	LAWRENCE ET AL.	
	Examiner	Art Unit	
	Anastasia Midkiff	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-5, 7, 11, 19, 22, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication to Kieffer et al. (PGPUB# 2004/0037392) in view of Radiology article by Tillman et al.

With respect to Claims 1, 3, and 35-37, Kieffer et al. teach an x-ray tube (18) with an envelope (See Figure 1) containing a target (16) wherein said target rotates about an axis (Figure 1 and Paragraph 46 Lines 1-3), such that said target is positioned at a focal point of a laser (14, and Paragraph 51 Lines 4-5), exposing a fresh target surface to said laser at each shot of laser onto said target (Paragraph 46, Lines 3-8) by radially rastering the focal point so that each successive focal point focuses on a previously unexposed portion of said target (Paragraph 44 Lines 1-5, Paragraph 60, and Page 6, Column 2, Lines 11-29).

Kieffer et al. do not teach that said tube has an at least a partially rounded coating on its curved surface to form a focusing surface for said laser, and that coating is disposed on an interior surface of said tube.

Tillman et al. teach a curved parabolic mirror surface disposed within the interior surface of an envelope of an x-ray generation apparatus, wherein said mirror surface focuses said laser onto target to produce x-rays (Figure 1).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the curved mirror surface of Tillman et al. in the bulbous x-ray tube of Kieffer et al. to reduce the number of parts required for focusing of the laser light.

With respect to Claim 4, Kieffer et al. further teach a target made from at least one of the metals molybdenum (Mo), rhodium (Rh), Silver (Ag), and Indium (In) (Page 5, Column 2, Lines 64-66).

With respect to Claim 5, Kieffer et al. further teach a target comprising one of the group of Mo, Rh, Ag, and In, as described in Claim 4 above, each of said elemental metals having an atomic number of at least about 40 (Page 5, Column 2, Lines 64-66).

With respect to Claim 7, Kieffer et al. further teach said x-ray tube comprises a window (34) made of a laser transparent material (Paragraph 50, Lines 7-12).

With respect to Claim 11, Kieffer et al. teach an imaging system (Abstract, Lines 1-2), comprising an x-ray tube (18) with an envelope (See Figure 1), containing a target (16) wherein said target rotates about an axis (Figure 1 and Paragraph 46 Lines 1-3), such that said target is positioned at a focal point of a laser (14, and Paragraph 51 Lines 4-5), exposing a fresh target surface to said laser at each shot of laser onto said target (Paragraph 46, Lines 3-8), a laser source (14) which generates a laser beam (Paragraph 42, Lines 2-4), and a laser targeting system configured to focus said laser beam on a mirror-coated focusing surface (Paragraph 50, Lines 3-6, and Page 6,

Column 1, Lines 20-22), and wherein said x-ray generator emits x-rays at locations relative to an imaging volume (Paragraphs 21, and 53-54).

Kieffer et al. do not teach that said tube has an at least a partially rounded coating on its curved surface to form a focusing surface for said laser, and that coating is disposed on an interior surface of said tube.

Tillman et al. teach a curved parabolic mirror surface disposed within the interior surface of an envelope of an x-ray generation apparatus, wherein said mirror surface focuses said laser onto target to produce x-rays (Figure 1).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the curved mirror surface of Tillman et al. in the bulbous x-ray tube of Kieffer et al. to reduce the number of parts required for focusing of the laser light.

With respect to Claim 19, Kieffer et al. further teach one or more image receptor detectors (40) disposed about an imaging volume, said detectors impacted by x-rays from x-ray tube (Paragraph 53, 55, and Claims 23 and 28).

With respect to Claim 22, Kieffer et al. further teach said laser source comprises a chirped-pulse amplified laser (Paragraph 42), which is well known in the art to comprise at least a laser oscillator and a laser amplifier.

With respect to Claim 36, Kieffer et al. teach most of the elements of the claimed invention, but do not teach that said tube has an at least a partially rounded coating on its curved surface to form a focusing surface for said laser, and that coating is disposed on an interior surface of said tube.

Tillman et al. teach a curved parabolic mirror surface disposed within the interior surface of an envelope of an x-ray generation apparatus, wherein said mirror surface focuses said laser onto target to produce x-rays (Figure 1).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the curved mirror surface of Tillman et al. in the bulbous x-ray tube of Kieffer et al. to reduce the number of parts required for focusing of the laser light.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al. and Tillman et al., as for Claim 1 above, and in further view of U.S. Patent Application to Tsuno et al. (PGPUB# 2004/0246610).

With respect to Claim 10, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach said coating comprises at least one of a metal and a dielectric material.

Tsuno et al. teach a laser-reflecting mirror coating made of metal (Page 7, Column 2, Lines 18-21) or of a multilayer dielectric film (Page 7, Column 2, Lines 22-23) providing a highly reflective surface for a laser beam (Paragraph 30) which maintains it shape at high temperatures (Paragraph 33).

It would be obvious to one of ordinary skill in the art to use the coating of Tsuno et al. in the apparatus of Kieffer et al., to provide a highly reflective surface for said laser that can withstand exposure to high temperatures without deformity, as taught by Tsuno et al. (Paragraphs 30-33).

Claims 12-18, 23-34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al., and Tillman et al., as disclosed above, and in further view of U.S. Patent to Dafni et al. (USP# 5,966,422).

With respect to Claim 12, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach a motion subsystem configured to move one or more bulbous x-ray tubes along an imaging trajectory.

Dafni et al. teach multiple x-ray generators (12A, 12B, 12C) configured to move along a computed tomography imaging trajectory (Column 9, Lines 40-67).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the moving, multiple sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claim 23, Kieffer et al., teach a method for irradiating a volume of a breast, said method comprising placing an x-ray tube relative a mammography volume to be imaged (Page 6, Column 1, Lines 47-63, and Page 6, Column 2, Lines 1-29), said x-ray tube comprising an envelope (See Figure 1) containing a target (16) wherein said target rotates about an axis (Figure 1 and Paragraph 46 Lines 1-3), such that said target is positioned at a focal point of a laser (14, and Paragraph 51 Lines 4-5), exposing a fresh target surface to said laser at each shot of laser onto said target (Paragraph 46, Lines 3-8).

Kieffer et al. do not teach that said tube has an at least a partially rounded coating on its curved surface to form a focusing surface for said laser, and that coating is disposed on an interior surface of said tube.

Tillman et al. teach a curved parabolic mirror surface disposed within the interior surface of an envelope of an x-ray generation apparatus, wherein said mirror surface focuses said laser onto target to produce x-rays (Figure 1).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the curved mirror surface of Tillman et al. in the bulbous x-ray tube of Kieffer et al. to reduce the number of parts required for focusing of the laser light.

Dafni et al. teach a method wherein sources (12A, 12B, 12C) are moved by a gantry (14) in a CT system (10, and Column 9 Lines 40-67).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the moving, multiple sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claims 13 and 25, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach a motion subsystem configured to move one or more x-ray bulbs along a tomosynthesis imaging trajectory, or the method for its use.

Dafni et al. teach a CT apparatus, and the method for its use, comprising multiple x-ray generators (12A, 12B, 12C) configured to move along a computed tomography imaging trajectory (Column 12, Lines 47-67), wherein said trajectory is used to perform tomosynthesis (Column 13, Lines 4-15).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the moving, multiple sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claims 14 and 24, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach said motion subsystem configured to move one or more x-ray bulbs by moving a CT gantry, and the method for its use.

Dafni et al. teach x-ray sources (12A, 12B, 12C) moved by a gantry (14) in a CT system (10), and the method for its use (Column 9, Lines 40-67).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the moving, multiple sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claim 28, Kieffer et al. teach a method for irradiating a volume, said method comprising aiming a laser (14) at an x-ray tube (18) with an envelope (See Figure 1) containing a target (16) wherein said target rotates about an axis (Figure 1 and Paragraph 46 Lines 1-3), such that said target is positioned at a focal point of a laser (14, and Paragraph 51 Lines 4-5), exposing a fresh target surface to said laser at each shot of laser onto said target (Paragraph 46, Lines 3-8), generating an x-ray producing plasma (52, and Paragraph 65) in said chamber by focusing laser onto varying portion of target via mirror, while said laser is aimed at said mirror (32, and Paragraph 50).

Kieffer et al. do not teach that said tube has an at least a partially rounded coating on its curved surface to form a focusing surface for said laser, and that coating is disposed on an interior surface of said tube.

Tillman et al. teach a curved parabolic mirror surface disposed within the interior surface of an envelope of an x-ray generation apparatus, wherein said mirror surface focuses said laser onto target to produce x-rays (Figure 1).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the curved mirror surface of Tillman et al. in the bulbous x-ray tube of Kieffer et al. to reduce the number of parts required for focusing of the laser light.

Dafni et al. teach a method comprising using a plurality of x-ray generating sources (12A, 12B, 12C), wherein each source can be individually illuminated (Figure 4a).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the method of Dafni et al. in the method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claims 15 and 29, Kieffer et al. and Tillman et al. teach most of the elements of the claimed invention, but do not teach imaging a tomosynthesis volume.

Dafni et al. teach a CT apparatus that images a volume using tomosynthesis, and the method for its use (Column 13, Lines 4-15).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the tomosynthesis of Dafni et al., and the method for its use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claims 16 and 30, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach imaging a CT bore volume.

Dafni et al. teach a CT apparatus that images a volume within the bore of said CT apparatus (Column 9, Lines 40-67).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the CT apparatus of Dafni et al., and the method for its use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claims 17 and 31, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach there are a plurality of said bulbous x-ray tubes positioned generally around at least a portion of the imaging volume, or the method for their use.

Dafni et al. teach x-ray sources (12A, 12B, 12C) in a CT system (10), wherein said sources are positioned around an imaging volume in the form of a patient (16), and the method for their use (Column 9, Lines 40-67).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the moving, multiple sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al., and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claims 18 and 32, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach there are a

plurality of bulbous x-ray tubes positioned at substantially equal intervals about the imaging volume, or the method for their use.

Dafni et al. teach x-ray sources (12A, 12B, 12C) in a CT system (10), wherein said sources are positioned at substantially equal intervals (Figure 4a) around an imaging volume (16), and the method for their use (Column 9, Lines 40-67).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the moving, multiple, equidistant sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al. and Tillman et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

With respect to Claim 26, Kieffer et al. further teach one or more image receptor detectors (40) disposed about an imaging volume, said detectors impacted by x-rays from x-ray tube (Paragraph 53 and 55, Page 6, Column 1, Lines 47-63, and Page 7, Column 2, Lines 1-29).

With respect to Claim 27, Kieffer et al. further teach generating one or more projection images based on signals from the one or more detector arrays in response to said x-rays (Paragraphs 53-55).

With respect to Claim 33, Kieffer et al. further teach one or more image receptor detectors (40) disposed about an imaging volume, said detectors impacted by x-rays from x-ray tube (Paragraph 53 and 55, Page 6, Column 1, Lines 47-63, and Page 7, Column 2, Lines 1-29).

With respect to Claim 34, Kieffer et al. further teach one or more projection images produced from signals produced by said detectors in response to detected x-rays (Paragraphs 53-55).

With respect to Claim 38, Kieffer et al. teach the elements of Claim 35 as disclosed above, but do not teach a method wherein said x-ray bulb is moved about a volume to be imaged.

Dafni et al. teach a method wherein x-ray sources (12A, 12B, 12C) are moved about a volume (16) to be imaged to simultaneously acquire data from multiple volume slices (Abstract).

It would be obvious to one of ordinary skill in the art at the time of the invention to employ the moving, multiple sources of Dafni et al., and the method for their use, in the system and method of Kieffer et al., to reduce the scanning time which would minimize patient discomfort and exposure to radiation and reduce motion artifacts, as taught by Dafni et al. (Column 1 Lines 57-67, Column 2 Lines 1-5, and Column 3 Lines 8-12).

Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al. and Tillman et al., as disclosed for Claims 1 and 11 above, and in further view of U.S. Patent to Ono et al. (USP# 5,696,804).

With respect to Claims 2 and 20, Kieffer et al. as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach the axis of rotation for said target is geared to rotate based upon the motion of said bulbous x-ray tube about said imaging volume.

Ono et al. teach a CT x-ray imaging system with an x-ray tube device (20) that has a rotating anode target (26), wherein said target rotation is controlled in response to gantry rotation of said tube about the imaging volume (Column 4 Lines 29-35, and Column 6 Lines 52-62) to compensate for the centrifugal force of the gantry, which slows said target rotation (Column 5 Lines 59-67, and Column 6 Lines 1-22).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the target rotation control of Ono et al. in the device and system of Kieffer et al. and Tillman et al., to prevent slowing of target rotation during gantry movement, preventing the need for increased power to said target's stator coil and increasing reliability of x-ray apparatus, as taught by Ono et al. (Column 9 Lines 45-67, and Column 10, Lines 1-22).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al. and Tillman et al., as for Claim 1 above, and in further view of U.S. Patent to Hirano et al. (USP# 5,949,849).

With respect to Claim 6, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach said bulbous tube comprises glass.

Hirano et al. teach an x-ray tube (8) having a cylindrically shaped bulb (9) formed of kovar glass (Column 3, Lines 43-44).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the glass bulb of Hirano et al. in the bulbous x-ray tube of Kieffer et al. and Tillman

et al., kovar glass bulbs being well known in the art for their insulating and vacuum sealant properties and transparent nature.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al. Tillman et al., as for Claim 1 above, and in further view of U.S. Patent to Nelson (USP# 5,982,847), and U.S. Patent to Beeson et al. (USP# 5,696,865).

With respect to Claim 8, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach said bulbous tube comprises a laser transparent polymer.

Nelson teaches an x-ray sample chamber (16) comprised of polymeric material that is transparent to x-rays, as well as an x-ray window composed of polymeric material that is transparent to x-rays (Column 6 Lines 6-64). Nelson does not teach said polymer is transparent to laser light wavelengths. Examiner notes that the substitution of polymeric material for glass or crystalline material in x-ray tubes, windows, housings, and envelopes is well known in the art, as polymers are more durable, more flexible, and more resistant to x-rays and other wavelengths of light than glass or crystalline materials.

It would be obvious to one of ordinary skill in the art at the time of the invention to use the polymeric material of Nelson in the apparatus of Kieffer et al. and Tillman et al., to provide a more durable and lasting x-ray tube.

Beeson et al. teach an optical window made of polymeric material that is transparent to laser light wavelengths (Column 5 Lines 1-13 and 59-67, and Column 6 Lines 1-20).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the laser transparent polymer of Beeson et al. in the bulbous x-ray tube of Kieffer et al. and Tillman et al., to allow passage of the laser source into the x-ray bulb.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al. and Tillman et al. as for Claim 1 above, and in further view of U.S. Patent to Kondo et al. (USP# 6,324,255).

With respect to Claim 9, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach at least a partial atmosphere of said bulbous tube is an inert gas.

Kondo et al. teach an x-ray irradiation bulb (Figure 1) wherein the inert gas krypton is pumped into said bulb atmosphere as a target material (Column 14, Lines 3-5).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the inert gas target of Kondo et al. in the bulbous x-ray tube of Kieffer et al. and Tillman et al., to recover and reutilize expensive target material, as taught by Kondo et al. (Column 2, Lines 1-15).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kieffer et al. and Tillman et al., as for Claim 11 above, and in further view of MIT article by Hunter et al.

With respect to Claim 21, Kieffer et al., as modified by Tillman et al., teach most of the elements of the claimed invention, but do not teach said laser targeting system comprises a two-axis galvanometer.

Hunter et al. teach a laser beam moved by two galvanometers (Page 4, Paragraph 2).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the galvanometers of Hunter et al. in the laser targeting system of Kieffer et al. and Tillman et al., to effectively steer said laser beam and create focal points of varied shapes, said use of two-axis galvanometer being well-known in the art for these purposes.

Response to Arguments

Applicant's arguments with respect to amended claims 35-38 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the 35 USC 103(a) rejections of Claims 12-18, 23-34, and 38 as being unpatentable over Kieffer, Tillman, and U.S. Patent to Dafni (USP# 5,966,422), the Applicant asserts that the rejection is deficient on its face, as the patent number referred to in the statement of rejection (USP# 6,937,689) is a patent belonging to Zhao, and that, therefore, Applicant's ability to meaningfully respond was unduly prejudiced. The examiner respectfully disagrees.

Although the patent number of the secondary reference listed in the statement of rejection was identified with an incorrect patent number, the secondary reference was correctly identified as being issued to Dafni, and it was the column and line items, as well as the figure items, of Dafni that were referenced in the body of each rejection. Additionally, Dafni was the only reference cited on the accompanying form PTO-892 with the correct patent number. Consequently, the examiner respectfully submits that this was a typographical error, and that the rejection itself is not deficient on its face, as it was clear from the rejections, the incorporated references to Dafni, and the correctly cited patent number on the PTO-892 form that the Dafni reference was the secondary reference used in the rejection.

Applicant's arguments filed 28 August 2006 with regard to 35 USC 103(a) rejections of Claims 1, 3-5, 7, 11, 19, 22, and 36, as being unpatentable over Kieffer in view of Tillman et al. have been fully considered but they are not persuasive.

With respect to the Tillman reference, the Applicant asserts that Tillman does not teach a curved and coated focusing surface on the interior of the envelope of Kieffer, and that there is no motivation to combine the references, as the combination would not result in the reduction of parts as cited in the above and prior actions. The examiner respectfully disagrees.

In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the

references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In the present case, Kieffer already teaches the use of a curved, focusing mirror to focus the laser, and Tillman is relied upon for teaching the use of a mirror coating within an envelope surface for focusing of x-rays. By using the coated mirror surface of Tillman within the apparatus of Kieffer in order to focus the laser without the need for an additional, external mirror, there would be a reduction in parts, as stated in the above and prior office actions.

Therefore, the prior art rejections of the claims are maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anastasia Midkiff whose telephone number is 571-272-5053. The examiner can normally be reached on M-F 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASM
11/11/06

EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER